

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ISO-00 SS-20 PRS-01 CIAE-00 INR-10

NSAE-00 RSC-01 NSC-10 SSO-00 NSCE-00 JUSE-00 SEC-03

PA-04 USIE-00 DRC-01 INRE-00 /070 W

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O P 071754Z DEC 73

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC IMMEDIATE 4994

INFO AMEMBASSY SAN JOSE PRIORITY

AMEMBASSY BUENOS AIRES PRIORITY

C O N F I D E N T I A L NASSAU 1896

E. O. 11652: GDS

TAGS: PFOR CPRS BF

SUBJ: EXTRADITION - ROBERT L. VESCO: MAGISTRATE'S FINAL
REMARKS

REF: NASSAU 1894

1. AFTER MAGISTRATE OSADEBAY COMPLETED READING HIS DECISION, REPORTED REFTEL, HE ADDED A FEW REMARKS WHICH AS USUAL WERE AMBIGUOUS BUT DISTURBING. HE SAID THAT HE FELT CONSTRAINED TO ADD A WORD OF WARNING CONCERNING THIS TYPE OF CASE. HE WARNED OF THE DANGERS POSED BY THOSE WITH TOO MUCH ZEAL AND EVEN SUGGESTED THAT IT WAS POSSIBLE FOR SUCH PERSONS TO ENGAGE IN "EXTORTING OR FABRICATING EVIDENCE" IN THEIR ANXIETY TO REACH A CERTAIN END. HE REFERRED TO THOSE "WHO SAID THEY ARE COMMITTED 100 PERCENT" TO WINNING EXTRADITION (APPARENT REFERENCE TO JUSTICE DEPARTMENT OFFICIAL MURPHY'S STATEMENT TO MIAMI HERALD ABOUT THREE WEEKS AGO). HE DREW COURTROOM'S ATTENTION TO MINISTER ADDERLEY'S RECENT REMARKS, MADE IN ENTIRELY SEPARATE CONTEXT, ON NECESSITY FOR ALL TO FOLLOW THE SPIRIT AS WELL AS THE LETTER OF THE LAW. COMMENT: AS HAS BEEN THE CASE THROUGHOUT THIS HEARING, MAGISTRATE WAS CAREFUL TO WORD HIS REMARKS SO CAREFULLY THAT HE COULD NOT LATER BE ACCUSED OF HAVING SAID ANYTHING SUBSTANTIVE, LET ALONE INSULT-
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ING.

2. VESCO ATTORNEY DUPUCH THEN DID HIS BEST TO ADD FUEL TO FIRE BY RISING TO REQUEST THAT VESCO'S PASSPORT BE RETURNED AND BAIL REMITTED (BOTH GRANTED). HE THEN ASKED THAT USG BE MADE TO PAY FULL COURT COSTS AND ALL ATTORNEYS' FEES, ARGUING THAT IN HIS 25 YEARS OF EXPERIENCE HE HAD NEVER SEEN SUCH AN ABYSMAL, STILLBORN, SHODDY, WOEFULLY-BASED PROSECUTION CASE, AND THAT IT WAS NO WONDER THAT US PRISONS WERE FULL IF US ACCUSED PERSONS COULD LOOK FOR NO MORE JUSTICE ON THE PART OF PROSECUTORS THAN HAD BEEN AVAILABLE IN THIS CASE. HE EXEMPTED WALLACE-WHITFIELD AND TOOTHE FROM HIS REMARKS. MAGISTRATE DENIED MOTION FOR COSTS AND ATTORNEY FEES WITHOUT COMMENT.

3. US ATTORNEYS WERE MOBBED BY NEWS REPORTERS AS THEY LEFT COURTROOM. US ATTORNEY CURRAN GAVE SMOOTH, LOW-KEY STATEMENT TO NBC TV TEAM. HE SAID THAT HE WAS NATURALLY DISAPPOINTED AT MAGISTRATE'S DECISION, DISAGREED ON OSADEBAY'S INTERPRETATION OF FACTS AND LAW INVOLVED (CURRAN LATER TOLD EMBOFFS THAT HE DISAGREED MUCH MORE STRONGLY WITH THE FORMER THAN THE LATTER), AND HAD NOT YET CONSULTED WITH LOCAL ATTORNEYS ON QUESTION OF POSSIBLE APPEAL (LIKELIHOOD OF WHICH, HE LATER TOLD EMBASSY, IS SLIM). CURRAN DID SAY, IN RESPONSE TO NEWSMAN'S QUESTION, THAT HE TOOK STRONG ISSUE WITH STATEMENTS OF MAGISTRATE AND DUPUCH MADE AFTER DECISION HANDED DOWN, SAYING THAT THEY (NOT SPECIFYING) REFLECTED ON HIS OFFICE AND ON THE US GOVERNMENT, AND POINTING OUT THAT HIS JOB WAS TO SEE THAT JUSTICE WAS DONE, NOT SIMPLY OBTAIN CONVICTIONS. ALSO IN RESPONSE, HE CONFIRMED THAT UNDER THE TREATY HE WOULD NOT PERMIT PROSECUTION OF AN INDIVIDUAL EXTRADITED ON ONE CHARGE FOR ANY OTHER CHARGE. HE REFUSED TO RESPOND TO QUESTIONS ON WHETHER HE FELT VESCO HAD BEEN FAVORED OR MAGISTRATE BIASED.

4. EMBASSY BELIEVES THAT GUIDANCE PROPOSED REFTTEL SHOULD STAND WITHOUT REVISION. FULL REPORT ON MAGISTRATE'S DECISION FOLLOWS.
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